

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of the Commission's <i>Ex Parte</i>)	GC Docket No. 10-43
Rules and Other Procedural Rules)	
)	
)	

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ hereby submits brief comments in response to the Further Notice of Proposed Rulemaking in the above-referenced docket.² The Commission is seeking comment on adopting a “real parties-in-interest” disclosure rule for *ex parte* presentations or other filings. It asks in particular whether disclosure requirements adopted for corporations should apply to trade associations and non-profit entities.³

The FCC said in the *FNPRM* that it “will deem the comments already submitted in this proceeding to be part of the record of the *Further Notice*.” *FNPRM* at ¶38. NAB

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of the Commission's Ex Parte Rules and Other Procedural Rules*, Report and Order and Further Notice of Proposed Rulemaking, GC Docket No. 10-43, 76 Fed. Reg. 24434 (May 2, 2011) (“*FNPRM*” or “*Further Notice*”).

³ *Id.* at ¶ 82.

specifically draws the Commission’s attention to our previous comments in this docket.⁴ Those comments supported the principle of disclosing who presenters and filers are and what their interests are, but suggested that achieving meaningful disclosure is not a “one size fits all” issue. NAB also explained that an onerous standard disclosure requirement may not be appropriate or necessary to inform the Commission or the public of the interests of participating parties.⁵ We noted, for example, that NAB’s standard identification contained on the first page of our filings is descriptive of our members and would enable other parties to understand the nature of our interests in general or in a given proceeding. *Id.* We said, in particular, that individual members of trade associations not present at a meeting should not be required to be named in an *ex parte* filing about that meeting.⁶

In the *Further Notice*, the FCC raised the question of whether court or other model disclosure rules cited in the initial *Notice of Proposed Rulemaking* are suitable for an FCC disclosure requirement. *FNPRM* at 82. In this regard, NAB notes that section (b) of the Rule 26.1 Disclosure Statement contained in the Circuit Rules for the U.S. Court of Appeals for the D.C. Circuit does not require “trade associations” (as continuing associations of organizations or individuals operated for the purpose of promoting the general commercial, professional, legislative, or other interests of the memberships) to

⁴ Reply Comments of the National Association of Broadcasters, GC Docket No. 10-43 (filed June 8, 2010) (NAB Comments).

⁵ *Id.* at 5.

⁶ *Id.* (explaining that it would be impractical and unduly burdensome for NAB, and not helpful to other parties, to require NAB to list its thousands of member stations in every *ex parte* notice).

list the names of their members.⁷ The D.C Circuit's rule thus supports NAB's position that trade associations' *ex parte* or other filings should not be required to list their members.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

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⁷ See Rule 26.1, Corporate Disclosure Statement, of the Circuit Rules for the U.S. Court of Appeals for the D.C. Circuit.